

**PATENT APPLICATION**

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re the Application of

Brian William HOLMES et al.

Application No.: 10/520,368

Filed: January 6, 2005

Docket No.: 122347

For: OPTICALLY VARIABLE SECURITY DEVICE

**PETITION UNDER 37 C.F.R. §1.47(a)**

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

Pursuant to 37 C.F.R. §1.47(a), this petition is filed to request acceptance and examination of the above-identified application without the signature on the Declaration of one of the two joint inventors of the claimed subject matter.

Attached hereto, in support of this Petition, is a Statement of Facts Under 37 C.F.R. §1.47(a) of Mr. Tim Berridge that includes personal knowledge of the facts summarized below relating to the unavailability of the joint inventor to sign the Declaration for this application.

The unavailable, and therefore non-signing, joint inventor is Dr. Kenneth J. Drinkwater. Dr. Drinkwater's last known address is:

46 Guildford Road, Fleet

Hampshire, GU51 3EY

United Kingdom

07/03/2005 ASTRAM 00000100 103E0326

02 FC:1453

200.00 GP

**I. Background**

U.S. Patent Application No. 10/520,368 was filed on January 6, 2005, in the U.S. Patent and Trademark Office without an executed Declaration. This application is a U.S. National Phase Application of PCT Application No. PCT/GB02/03174.

A Declaration signed by ONE of the TWO joint inventors, Brian William Holmes, on behalf of himself, and on behalf of Dr. Drinkwater is attached.

**II. Statement of Facts**

1. Dr. Drinkwater was employed by DE LA RUE INTERNATIONAL LIMITED (hereinafter "DE LA RUE"), DE LA RUE House, Jays Close, Viables, Basingstoke, Hampshire RG22 4BS, England. When leaving DE LA RUE, Dr. Drinkwater provided as contact information only a forwarding address, which he subsequently updated to the "last known address" indicated above.

2. A letter enclosing the complete application (including the specification, claims and drawings), and Declaration and Assignment documents relating to the subject application were sent to Dr. Drinkwater's last known address on January 27, 2005. This letter requested that Dr. Drinkwater execute and return the Declaration and Assignment documents.

3. Dr. Drinkwater apparently signed for the letter, as indicated on a certified mail receipt, but no reply was received from Dr. Drinkwater regarding this letter. Copies of the January 27 letter and the certified mail receipt are attached.

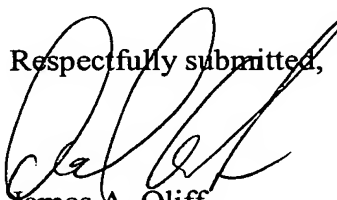
**III. Actions Requested**

Diligent efforts to contact Dr. Drinkwater at his last known address have failed. The facts relied upon to establish diligent effort are set forth in the attached Statement of Facts under 37 C.F.R. §1.47(a). The last known address of Dr. Drinkwater is provided above.

In view of the foregoing, Applicants respectfully submit that the requirements of 37 C.F.R. §1.47(a) have been satisfied with regard to the unavailable inventor. Specifically, the following requirements have been met: (1) the single available joint inventor has made an

Oath or Declaration on his behalf as required by 37 C.F.R. §1.63, and has made an Oath or Declaration on behalf of the unavailable non-signing joint inventor as required by 37 C.F.R. §1.64; (2) Applicant has provided proof of the pertinent facts surrounding the unavailability of the unavailable non-signing joint inventor; (3) Applicant has provided the last known address of the unavailable non-signing joint inventor; and (4) Applicant has paid the fee set forth in 37 C.F.R. §1.17(g). Check No. 181358 for \$200.00 is attached. Please credit any overpayment or debit any underpayment to Deposit Account No. 15-0461. Two additional copies of this Petition are provided.

In view of the foregoing, Applicants respectfully request that this application be accepted for examination without Dr. Drinkwater's signature. If any further information is required in order to obtain acceptance and examination of this application pursuant to 37 C.F.R. §§1.47, 1.63 and/or 1.64, Applicants' representatives invite the Patent Office to contact them at the telephone number set forth below.

Respectfully submitted,  
  
James A. Oliff  
Registration No. 27,075

Daniel A. Tanner, III  
Registration No. 54,734

JAO:DAT/jam

Attachment:  
Statement of Facts under 37 C.F.R. §1.47(a)

Date: June 28, 2006

**OLIFF & BERRIDGE, PLC**  
**P.O. Box 19928**  
**Alexandria, Virginia 22320**  
**Telephone: (703) 836-6400**

<p><b>DEPOSIT ACCOUNT USE AUTHORIZATION</b> Please grant any extension necessary for entry; Charge any fee due to our Deposit Account No. 15-0461</p>
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**PATENT APPLICATION**

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re the Application of

Brian William HOLMES et al.

Application No.: 10/520,368

Filed: January 6, 2005

Docket No.: 122347

For: OPTICALLY VARIABLE SECURITY DEVICE

**STATEMENT OF FACTS**

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

I, Tim Berridge, hereby declare and certify the following regarding my personal knowledge of the facts summarized below relating to the unavailability, or refusal, of the joint inventor to sign the Declaration for this application.

The non-signing joint inventor is Dr. Kenneth J. Drinkwater. Dr. Drinkwater's last known address is:

46 Guildford Road

Fleet

Hampshire, GU51 3EY

United Kingdom

**I. Background**

U.S. Patent Application No. 10/520,368 was filed on January 6, 2005, in the U.S. Patent and Trademark Office without an executed Declaration. This application is a U.S. National Stage Application of PCT Application No. PCT/GB02/03174.

**II. Statement of Facts**

1. Dr. Drinkwater was employed by DE LA RUE INTERNATIONAL LIMITED, DE LA RUE House, Jays Close, Viables, Basingstoke, Hampshire RG22 4BS, England

(hereinafter "DE LA RUE"). When leaving DE LA RUE Dr. Drinkwater provided as contact information only a forwarding address, which he subsequently updated to the "last known address" indicated above.

2. A letter enclosing the complete application (including the specification, claims and drawings), and Declaration and Assignment documents relating to the subject application were sent to Dr. Drinkwater's last known address on January 27, 2005. This letter requested that Dr. Drinkwater execute and return the Declaration and Assignment documents.

3. Dr. Drinkwater apparently signed for the letter, as indicated on a certified mail receipt, but no reply was received from Dr. Drinkwater regarding this letter. Copies of the January 27 letter and the certified mail receipt are attached hereto.

Respectfully submitted,

Tim Berridge  
Divisional IP Manager - Currency &  
Security Products  
DE LA RUE INTERNATIONAL LIMITED

Date: \_\_\_\_\_





DE LA RUE plc

De La Rue House  
Jays Close  
Viables  
Basingstoke  
Hampshire RG22 4BS  
England

Telephone + 44 (0)1256 329122  
Fax + 44 (0)1256 487760  
[www.delarue.com](http://www.delarue.com)

27 January 2005

Dr K J Drinkwater  
46 Guildford Road  
Fleet  
Hampshire, GU51 3EY

Direct Line +44 (0) 1256 605093  
Fax +44(0) 1256 487760  
Email [tim.berridge@uk.delarue.com](mailto:tim.berridge@uk.delarue.com)

Dear Dr Drinkwater

**US Patent Application Corresponding to PCT/GB02/03174**  
**De La Rue International Limited**  
**Case Ref: M231**

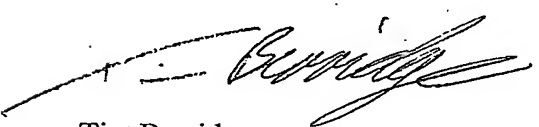
The patentee, De La Rue International Limited, is proposing to make this application effective in the USA. A copy of the patent is enclosed for your reference.

We are obliged to have the assignment and inventorship forms completed by all inventors as part of the prosecution process.

As you are one of the named inventors I would be grateful if you can arrange to sign the enclosed documents and return them to myself in the stamp addressed envelope provided, at your earliest convenience.

May I thank you in advance for your assistance in this matter.

Yours sincerely



Tim Berridge  
Currency & Security Products Divisional IP Manager

Enc

TB2

5:11 PM DHL WORLDWIDE EXPRESS NUM 31/01/05  
 Airbills Consignees Shippers Reports Utilities Manifest TeleComm Quit

SHIPPER

CONSIGNEE

DE LA RUE  
 DE LA RUE PLC (HEAD OFFICE)  
 TIM BERRIDGE  
 DE LA RUE HOUSE  
 JAYS CLOSE  
 VIABLES INDUSTRIAL ESTATE  
 BASINGSTOKE

RG22 4BS  
 UNITED KINGDOM  
 RED  
 01256 605000  
 01256 605004

Charge: 7.05

Shipment Type DOM

Dec. Value

Ins. Value

0  
 0.00

Code  
 Name  
 Attention  
 Address 1  
 Address 2  
 Address 3  
 City  
 State/Zip  
 Country  
 Airport Code  
 Phone  
 Telex/Fax

FLEET/DRIN  
 DR K J DRINKWATER  
 46 GUILDFORD ROAD  
 FLEET  
 HANTS GU51 3EY  
 UNITED KINGDOM  
 RED

DHL Account 132594679  
 Shipper Ref. T BERRIDGE/VP

Pieces 1  
 Weight 0.50  
 Contents DOCUMENTS

Ship Date 27/01/05  
 Dim. Weight 0.00

Airbill #3669523480  
 Press any key to continue

5:12 PM DHL WORLDWIDE EXPRESS NUM 31/01/05  
 Airbills Consignees Shippers Reports Utilities Manifest TeleComm Quit

AIRBILL	SHIP DATE	DELIVERY	DETAILS	STATUS/SIGNATORY
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3669523410	26/01/05	28/01/05	16:08 RIO OK Yes	ADRIANE CRIS
3669523421	27/01/05	28/01/05	10:59 FRA OK Yes	KNEZ
3669523432	27/01/05	28/01/05	11:20 BSL OK Yes	BERGER
3669523443	27/01/05	28/01/05	12:25 LHR OK Yes	BECK
3669523465	27/01/05	31/01/05	09:25 GBE OK Yes	MOSARWA
3669523476	27/01/05	28/01/05	09:45 DUB OK Yes	DEMPSEY
3669523480	27/01/05	28/01/05	11:35 RED OK Yes	H DRINKWATER
3669523491	27/01/05	31/01/05	10:48 DUB OK Yes	CATHY
3669523502	27/01/05	28/01/05	11:01 SOU OK Yes	ROBERTS
3669523513	28/01/05	.....	No	.....
3669523524	28/01/05	.....	No	.....
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3669523561	28/01/05	.....	No	.....
3669523572	28/01/05	.....	No	.....
3669523594	28/01/05	.....	No	.....

Shipment Date )

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# DECLARATION UNDER 35 USC §371(c)(4) FOR PCT APPLICATION FOR UNITED STATES PATENT

As a below named inventor, I hereby declare that:

My residence, post office address and citizenship are as stated below under my name;

I verily believe I am the original, first and sole inventor (if only one name is listed below) or an original, first and joint inventor (if plural names are listed below) of the subject matter which is claimed and for which a patent is sought, namely the invention entitled: OPTICALLY VARIABLE SECURITY DEVICE

described and claimed in international application number PCT/GB02/03174 filed July 10, 2002.

I have reviewed and understand the contents of the above-identified specification, including the claims, as amended by any amendment referred to above.

I acknowledge the duty to disclose to the Office all information known to me to be material to patentability as defined in Title 37, Code of Federal Regulations §1.56.

Under Title 35, U.S. Code §119, the priority benefits of the following U.S. and/or foreign application(s) filed by me or my legal representatives or assigns within one year prior to my international application are hereby claimed:

The following application(s) for patent or inventor's certificate on this invention were filed in countries foreign to the United States of America either (a) more than one year prior to my international application, or (b) before the filing date of the above-named foreign priority application(s):

ALL CORRESPONDENCE IN CONNECTION WITH THIS APPLICATION SHOULD BE SENT TO OLIFF & BERRIDGE, PLC, CUSTOMER NUMBER 25944, TELEPHONE (703) 836-6400.

I hereby declare that I have reviewed and understand the contents of this Declaration, and that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

1	<b>Typewritten Full Name of Sole or First Inventor:</b>	Brian	William	HOLMES
		Given Name	Middle Initial	Family Name
2	<b>Inventor's Signature:</b>	<u>Brian Holmes</u>		
3	<b>Date of Signature:</b>	<u>26.07.02</u>		
		Month	Day	Year
	<b>Residence:</b>	Fleet	Hants	United Kingdom
		City	State or Province	Country
	<b>Citizenship:</b>	<u>United Kingdom</u>		
	<b>Post Office Address:</b>	<u>Gnomes Oak, Hitches Lane,</u>		
	(Insert complete mailing address, including country)	<u>Fleet, Hants, GU51 5HZ United Kingdom</u>		

Note to Inventor: Please sign name on line 2 exactly as it appears in line 1 and insert the actual date of signing on line 3.

IF THERE IS MORE THAN ONE INVENTOR USE PAGE 2 AND PLACE AN "X" HERE ☒  
(Discard this page in a sole inventor application)

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1	<i>Typewritten Full Name of Joint Inventor:</i>	<u>Kenneth</u>	<u>John</u>	<u>DRINKWATER</u>
		Given Name	Middle Initial	Family Name
2	Inventor's Signature:	<hr/>		
3	Date of Signature:	<hr/>		
		Month	Day	Year
	Residence:	<u>Fleet</u>	<u>Hampshire</u>	<u>United Kingdom</u>
		City	State or Province	Country
	Citizenship:	<u>United Kingdom</u>		
	Post Office Address:	<u>46 Guildford Road</u>		
	(Insert complete mailing address, including country)	<u>Fleet, Hampshire, GU51 3EY United Kingdom</u>		
1	<i>Typewritten Full Name of Joint Inventor:</i>	<u>                    </u>	<u>                    </u>	<u>                    </u>
		Given Name	Middle Initial	Family Name
2	Inventor's Signature:	<hr/>		
3	Date of Signature:	<hr/>		
		Month	Day	Year
	Residence:	<u>                    </u>	<u>                    </u>	<u>                    </u>
		City	State or Province	Country
	Citizenship:	<u>                    </u>		
	Post Office Address:	<u>                    </u>		
	(Insert complete mailing address, including country)	<u>                    </u>		
1	<i>Typewritten Full Name of Joint Inventor:</i>	<u>                    </u>	<u>                    </u>	<u>                    </u>
		Given Name	Middle Initial	Family Name
2	Inventor's Signature:	<hr/>		
3	Date of Signature:	<hr/>		
		Month	Day	Year
	Residence:	<u>                    </u>	<u>                    </u>	<u>                    </u>
		City	State or Province	Country
	Citizenship:	<u>                    </u>		
	Post Office Address:	<u>                    </u>		
	(Insert complete mailing address, including country)	<u>                    </u>		
1	<i>Typewritten Full Name of Joint Inventor:</i>	<u>                    </u>	<u>                    </u>	<u>                    </u>
		Given Name	Middle Initial	Family Name
2	Inventor's Signature:	<hr/>		
3	Date of Signature:	<hr/>		
		Month	Day	Year
	Residence:	<u>                    </u>	<u>                    </u>	<u>                    </u>
		City	State or Province	Country
	Citizenship:	<u>                    </u>		
	Post Office Address:	<u>                    </u>		
	(Insert complete mailing address, including country)	<u>                    </u>		

**Note to Inventor:** Please sign name on line 2 exactly as it appears in line 1 and insert the actual date of signing on line 3.

This form may be executed only when attached to the first page of the Declaration and Power of Attorney of the application to which it pertains.

**BEST AVAILABLE COPY**